

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JEANIE ANN WADE,

Plaintiff,

v.

MICHAEL COHEN,

Defendant.

NO. CV-08-3071-RHW

**ORDER DISMISSING  
COMPLAINT**

On November 17, 2008, Plaintiff filed a *pro se* Complaint (Ct. Rec. 4). By separate Order, the Court granted Plaintiff leave to proceed *in forma pauperis* (Ct. Rec. 3).

Pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii), the Court must review a complaint filed *in forma pauperis* for legal sufficiency. If the complaint is “frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief” then the district court is required to dismiss the claim. *Lopez v. Smith*, 203 F.3d 1122, 1126-27 n.7 (9th Cir. 2000).

Here, Plaintiff is bringing this action against her former husband. She asserts that Defendant has not followed the divorce decree, and has been in contempt of court for seven years. Plaintiff does not cite to any federal law as the basis for subject matter jurisdiction of this Court, nor does she indicate the relief she is seeking.

It is well-established policy that federal courts should abstain from exercising jurisdiction in domestic disputes. *Peterson v. Babbitt*, 708 F.2d 465,

1 466 (9<sup>th</sup> Cir. 1983) (per curiam) (recognizing that decisions regarding the welfare  
2 of children have been traditionally left to the state and to the state court);  
3 *cf. Lehman v. Lycoming County Children's Services Agency*, 458 U.S. 502 (1982).  
4 “[T]he whole subject of the domestic relations of husband and wife, parent and  
5 child, belongs to the laws of the States, and not to the laws of the United States.”  
6 *Ohio ex rel. Popovici v. Agler*, 280 U.S. 379, 383 (1930)(*quoting In re Burrus*, 136  
7 U.S. 586, 593-94 (1890)). Moreover, under the doctrine of equitable abstention,  
8 “federal courts traditionally decline to exercise jurisdiction in domestic relations  
9 cases when the core issue involves the status of parent and child.” *Coats v. Woods*,  
10 819 F.2d 236, 237 (9<sup>th</sup> Cir. 1987).

11 The Court is without jurisdiction to hear Plaintiff’s claims; therefore, the  
12 action is dismissed without prejudice to file in the appropriate state court.

13 Accordingly, **IT IS HEREBY ORDERED**

14 1. Pursuant to 28 U.S.C. § 1915(e), Plaintiff’s Complaint is dismissed  
15 without prejudice.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter the  
17 Order, forward a copy to Plaintiff, and **close the file**.

18 **DATED** this 20<sup>th</sup> day of November, 2008.

19 *S/ Robert H. Whaley*

20 ROBERT H. WHALEY  
21 Chief United States District Judge  
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